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opposition

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04-04-2003

U.S. Patent & TMOfc/TM Mail RcptDt. #01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

FAZOLI'S MANAGEMENT, INC.)	
)	
Opposer)	Serial No.: 76/060264
)	TM: PASTA FAZUL'S & DESIGN
STEVEN SETTIPANI)	
)	
Applicant)	

**APPLICANT'S RESPONSE TO OPPOSER'S
FIRST REQUEST FOR PRODUCTION OF
DOCUMENTS AND THINGS**

COMES NOW the Applicant, STEVEN SETTIPANI, by and through the undersigned Counsel and files this his Response to Opposer's Request for Production pursuant to Federal Rule of Civil Procedure 26 and 34 and Rule 2.120 of the United States and Trademark Office, would respond as follows:

1. All documents evidencing or referring to SETTIPANI's election, design or adoption of Pasta Fazul's mark are available for inspection and photocopying at the deposition of STEVEN SETTIPANI scheduled for April 8, 2003.
2. All documents evidencing or referring to SETTIPANI's election, design or adoption of Pasta Fazul's mark are available for inspection and photocopying at the deposition of STEVEN SETTIPANI scheduled for April 8, 2003.
3. None are known to exist.
4. All documents evidencing, referring or relating to SETTIPANI's first use of PASTA FAZUL'S mark and date thereof will be produced at the deposition of STEVEN SETTIPANI scheduled for April 8, 2003.
5. None are known to exist.

6. Representative samples of the use of Pasta Fazul's mark will be available for photocopying and inspection at the deposition of STEVEN SETTIPANI scheduled for April 8, 2003.

7. None are known to exist.

8. Representative examples of material, advertising and the like as set forth in Request for Production #8 are available for photocopying and inspection at the deposition of Applicant scheduled for April 8, 2003.

9. None are known to exist.

10. Objection, over board, unduly burdensome and calculated to lead to discoverable material.

11. None are known to exist.

12. None are known to exist.

13. None are known to exist.

14. None are known to exist


15. All documents requested in Request for Production #15 will be available for photocopying and inspection at the deposition of Applicant, STEVEN SETTIPANI's scheduled for April 8, 2003.

16. Any documents describing SETTIPANNI's business and organizational structure will be produced as set forth in Request for Production #16 will be available for photocopying and inspection at the deposition of Applicant, STEVEN SETTIPANI's scheduled for April 8, 2003.

17. None are known to exist.

I HEREBY CERTIFY that a true and correct copy of the above and foregoing was mailed via United States Postal Service, 1st Class on this 1st day of ~~March~~ ^{April}, 2003 to: **Christine P. James, Esquire**, KILPATRICK STOCTON, LLP, 1100 Peachtree Street, Suite 2800, Atlanta, Georgia 30309 and the original plus one copy to Assistant Commissioner of Trademarks, 2900 Crystal Drive, BOX TTAB-NO FEE, Arlington, VA. 22202

MITTELBERG & NICOSIA
Attorneys for Defendants
8100 North University Drive, Suite 102
Ft. Lauderdale, Florida 33321-1717
Tel: (954) 752-1213
Fax: (954) 752-5299

By: 
BARRY S. MITTELBERG
Florida Bar No.396567

LAW OFFICES

MITTELBERG & NICOSIA

BARRY STEVEN MITTELBERG
GIOVANNI NICOSIA

SUITE 102
8100 NORTH UNIVERSITY DRIVE
FORT LAUDERDALE, FLORIDA 33321
TEL: (954) 752-1213
FAX: (954) 752-5299

HOLLYWOOD, FLORIDA OFFICE
2455 HOLLYWOOD BOULEVARD
HOLLYWOOD, FLORIDA 33020
TEL: (954) 921-1211

REPLY TO:
FORT LAUDERDALE OFFICE



04-04-2003

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #01

April 1, 2003

Assistant Commissioner of Trademarks
Box TTAB-No Fee
2900 Crystal Drive
Arlington, VA. 22202-3513

Re: *Fazoli's Management, Inc. and Steven Settipani*
Serial No.: 76/060,264

Dear Assistant Commissioner of Trademarks:

Enclosed is the original and a copy of the Applicant's Response to Opposer's First Request for Production of Documents and Things and Applicant's Response to Opposer's First Request for Admissions in reference to the above matter.

Should you have any questions please feel free to contact me.

Very truly yours,

BARRY S. MITTELBERG

BSM:eac
enc.

cc: Christine P. James, Esq.

**Dictated, but not read
to expedite mailing**

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